

1009 EQUAL OPPORTUNITY POLICY

I. Purpose

This establishes the DHS Equal Opportunity policy. This policy is applicable to all employees, applicants seeking employment within DHS, and to all persons or organizations seeking or receiving services, benefits, contracts, agreements, grants, sub-grants, programs, and projects funded through or from DHS, including employees, clients, customers, and applicants of grantees and sub-grantees.

II. Assurances

- (A) DHS shall provide fair and equal opportunity in employment, service delivery, and grant administration regardless of a person's race, color, religion, sex, age, national origin, political beliefs, or disability as defined in the Americans with Disabilities Act.
- (B) DHS shall actively promote equal opportunity through the establishment and application of personnel policies and procedures to include: recruitment, selection, promotion, demotion, transfer, reclassification, layoff and recall, training, termination and other benefits, and terms and conditions of employment.
- (C) DHS shall ensure non-discrimination and equal opportunity in compliance with all applicable federal laws, regulations, executive orders, and civil rights rules or regulations.

III. Responsibilities and Procedures

- (A) The overall responsibility for coordination of equal opportunity policies, programs, and employment practices within DHS has been assigned to the Administrator of DHS Office of Employee Relations and Office of Equal Opportunity (OER/OEO).
- (B) Any DHS staff member who receives a written complaint of discrimination from any person shall forward the complaint immediately to his or her division director for referral to OER/OEO.
- (C) Any DHS supervisor or manager who receives a verbal complaint of discrimination from any person shall encourage that person to submit a written complaint. Regardless of whether the complaint is made in writing, the supervisor or manager receiving the complaint shall provide the person making the complaint a copy of form DHS-2808, and immediately notify his or her division director in writing for follow-up or referral to OER/OEO as appropriate.

IV. Complaints of Discrimination

- (A) Any person to whom or entity to which this policy applies may use form DHS-2808, Complaint of Discrimination, to file a complaint, regardless of whether the complaint directly concerns DHS or its employees. Complaints filed using other means, such as by letter or email, should contain substantially the same information as that requested on DHS-2808.

- (B) OER/OEO shall receive complaints relating to any DHS Division or Office, program, project, service, contract, or grant, regardless of whether the person making the complaint or the person against whom the complaint is made is an employee of DHS.
- (C) OER/OEO shall establish written criteria for determining when a complaint shall be referred to an outside agency or office, such as the U.S. Equal Employment Opportunity Commission, the U.S. Department of Health and Human Services Office of Civil Rights, the U.S. Department of Justice Office for Civil Rights, the U.S. Department of Labor, or other state or federal investigative or enforcement agencies.
- (D) Complaints which allege discriminatory, harassing, or retaliatory conduct by any DHS employee shall be investigated by OER/OEO or the DHS Office of Security and Compliance (OSC), as determined by the OER/OEO Administrator. The OER/OEO and OSC will conduct prompt investigations of complaints and issue written determinations of any findings.
- (E) When DHS investigates a complaint that involves a federal civil rights law over which the U.S. Department of Justice Office for Civil Rights has jurisdiction, the U.S. Department of Justice Office for Civil Rights retains the authority to:
 - (1) Conduct a supplementary or de novo investigation;
 - (2) Approve, modify, or reject recommended findings;
 - (3) Approve, modify, or reject any proposed voluntary resolution; and
 - (4) Initiate formal enforcement action.
- (F) Complaints which are not referred for investigation by DHS, including complaints which allege discriminatory, harassing, or retaliatory conduct by persons who are not DHS employees, shall be referred to other appropriate state or federal investigative or enforcement agencies, consistent with the written criteria established in this policy.

V. Investigations

- (A) Nothing in this policy shall prevent, prohibit, or delay an DHS division, office, or institution from investigating violations of policy or monitoring compliance with contractual or grant obligations.
- (B) When a DHS employee is accused of unlawful discrimination, harassment, or retaliation under this policy, the employing division may defer disciplinary action until resolution of the investigation by the OER/OEO or OSC.
- (C) Deferring disciplinary action for alleged discrimination, harassment, or retaliation does not prevent a division from administering discipline up to and including termination for violation of other DHS policy, behavior, or performance expectations.